

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20325 OF 2005

DATE:15.09.2005

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Between:

T.Nagarjuna,

..... Petitioner

And

1. Industrial Tribunal-cum-Labour Court, Warangal,

rep. by its Presiding Officer and others

..... Respondents

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 20325 of 2005

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ORDER:

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The petitioner filed I.D.No.76 of 2002 before the Industrial Tribunal-cum-Labour Court at Warangal. He claimed that he was engaged as NMR Work Inspector by the respondents but was retrenched contrary to the provisions of Section 25-F of the Industrial Disputes Act. The trial of the I.D. is in progress. The recording of evidence on the part of the petitioner was concluded. Thereafter, the respondents adduced evidence. It was also closed. At that stage, the petitioner filed an application to lead further evidence to rebut the version of the respondents. The application was

allowed. Thereafter, the petitioner filed two applications; one to reopen the evidence of respondents and the other to direct them to produce inward and outward register for the period from January 1986 to December 1987. Through its Common Order, dated 25.08.2005, the Labour Court dismissed the applications. Hence, this writ petition.

Sri A.K.Jayaprakash Rao, learned counsel for the petitioner submits that the necessity for the petitioner to file the instant applications arose on account of the fact that MW.1 had admitted the existence of such a register during the course of his cross-examination, and in view of his denial as to the genuinity of the various documents, he contends that the Labour Court ought not to have relied on technicalities, and no prejudice as such would be caused to the respondents if the prayer of the petitioner is acceded to.

Learned Government Pleader for Roads and Buildings, on the other hand, submits that the Labour Court had already shown indulgence by permitting the petitioner to adduce evidence for the second time though he did not deserve the right to adduce rebuttal evidence. He further contends that once the petitioner was granted permission to adduce evidence, he should have availed the benefit of the same instead of requiring the evidence of the respondent to be opened.

The petitioner filed the instant applications with a prayer to reopen the evidence of the respondents and to direct them to file the inward and outward registers of a particular period. The controversy in the I.D. is as to whether the petitioner was employed with the respondents at all. Basically, it is for the petitioner to prove that aspect of the matter. He cannot expect the respondents to buttress his contention. The Labour Court has already shown indulgence to the petitioner by permitting him to adduce evidence by allowing I.A.No.263 of 2005. The affidavit filed in support of present applications is as vague as it could be. Except stating that the respondents have certain records in their custody, no fact with the required precision is pointed out. It is difficult for any Court to accede to such request. Further, if the petitioner felt that any record in the custody of the respondents is of any relevance to the dispute, he should have called them by furnishing the exact description of the documents as

well as its relevance. A peculiar application of this nature cannot be entertained or accepted. Therefore, this Court does not find any basis to interfere with the order under challenge.

Learned counsel for the petitioner submits that his client may be given an opportunity to file an application duly furnishing the exact description of the documents, with reference to the dates as well as its relevance.

It is true that the proceedings before the Labour Court cannot be equated to the suits or other proceedings in Civil Courts. The effort should be to enable the parties to prove the crux of the matter without standing on technicalities.

For the foregoing reasons, the writ petition is disposed of upholding the order, dated 25.08.2005, passed by the Labour Court, but leaving it open to the petitioner to file an application by clearly furnishing the description of the documents as well as its relevance to the facts of the case. If such an application is filed, the Labour Court shall consider the same on its own merits and pass appropriate orders thereon. In case, the I.D. is ripe for hearing, further steps shall be deferred by one week from today to enable the petitioner to take necessary steps. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

15TH SEPTEMBER, 2005.

Note: Issue C.C. in three days.

(B/o) TS

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